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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,533	12/28/2000	Robert Adams	042390.P9895	6958

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EXAMINER	
BLAIR, DOUGLAS B	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,533	ADAMS ET AL.	
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-30 are currently pending in this application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/948,708. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the elements of the invention claimed in the present application are also claimed in claims 1-30 of 09/948,708. For example, claim 1 of the present application and claims 1 and 2 of application 09/948,708 are both claiming methods for providing access to users of a network based on monitored interactions within the network. Though the wording is different, the concepts being claimed appear to be the same. For example the shared resources as presently claimed in claim 1 of this application could be considered the

communication device of claim 1 of the 09/948,708 application and the access level could be considered granting or denying a network request in the 09/948,708.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-12, 14-18, 20-21 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,546,616 to Kirsch.

6. Kirsch teaches the invention (as claimed in exemplary claim 16) including a communications system, comprising: a computer-readable medium; and computer-readable program code, stored on the computer-readable medium, adapted to be loaded and executed on the communications system, the computer-readable code performing, monitoring communications between a plurality of users and a user having a shared resource (col. 11, lines 28-61), determining social network data from the communications between each of the plurality of users and the user having the shared resource (col. 11, lines 28-61), determining an access level for each of the plurality users based on the social network data (col. 11, lines 28-61), and

configuring an access control list to provide each of the plurality of users the access level determined for accessing the shared resource (col. 12, lines 47-67).

7. Kirsch teaches a communications system (as in claim 17) wherein the communications are e-mail communications (col. 11, lines 28-61).

8. Kirsch teaches a communications system (as in claim 18) wherein the social network data includes resources attached to the communications (col. 11, lines 28-61).

9. Kirsch teaches a communications system (as in claim 20) wherein the access control list includes a user identification and the access level for the user (col. 11, lines 28-61).

10. Kirsch teaches a communications system (as in claim 21) wherein the resource is a computer system (col. 11, lines 28-61).

11. Kirsch teaches a method (as in claim 30) wherein the communications comprise one or more of emails, instant messages, file transfers, commands sent from one computer system to another, and any other types of communications performed between the plurality of users and the user having the shared resource (col. 11, lines 28-61).

12. As to claims 1-3 and 5-6, they feature the same limitations as claims 16-18 and 20-21 and are rejected for the same reasons as claims 16-18 and 20-21.

13. As to claims 7, 11-12, and 14-15, they feature the same limitations as claims 16-18 and 20-21 and are rejected for the same reasons as claims 16-18 and 20-21.

14. As to claim 8, Kirsch teaches a social network including a shared resource provider to provide to each of the plurality users access to the shared resource based on the access control list (col. 11, lines 28-61).

15. As to claim 9, Kirsch teaches a social network wherein the social network monitor and the social network access controller reside on a single system (col. 11, lines 28-61).

16. As to claim 10, Kirsch teaches a social network wherein the social network monitor and the social network access controller reside on separate systems (col. 11, lines 28-61).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claims 4, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,044,466 to Anand et al..

19. As to claim 19, Kirsch teaches the subject matter of claim 16; however Kirsch does not teach the access level as being permissions.

Anand teaches a dynamic access policy including permissions information (col. 5, lines 1-16).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kirsch regarding managing the access of user's to a system with the teachings of Anand regarding a dynamic access policy including permissions because permission prevent unauthorized access to resources (Anand, col. 1, lines 37-42).

20. As to claims 4 and 13, they feature the same limitations as claim 19 and are rejected for the same reasons as claim 19.

21. Claims 22, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,654,787 to Aronson et al..

22. As to claim 22, Kirsch teaches the method of claim 1; however Kirsch does not explicitly locating a keyword in an email.

Aronson teaches a social network including monitoring communication for particular keywords, wherein the access level is granted based on the number of occurrences of the particular keywords (col. 5, lines 50-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kirsch regarding managing the access of user's to a system with the teachings of Aronson regarding monitoring for a keyword because keywords are useful for eliminating unwanted emails (Aronson, col. 5, lines 50-67).

23. As to claims 24 and 26, they are rejected for the same reasons as claim 22.

24. Claims 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,654,787 to Aronson et al. in further view of U.S. Patent Number 6,711,570 to Goldberg et al..

25. As to claim 23, the Kirsch-Aronson combination teaches the use of keywords for filter emails; however the Kirsch-Aronson combination does not explicitly teach the weighting of keywords.

Goldberg teaches different weights may be assigned to different keywords, wherein certain keywords have higher weights than other keywords (col. 6, lines 17-50).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kirsch-Aronson combination regarding filtering emails using keywords with the teachings of Goldberg regarding weighting of keywords because weighting makes for better filters (Goldberg, col. 6, lines 17-50).

26. As to claims 25 and 27, they are rejected for the same reasons as claim 23.

27. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,546,616 to Kirsch et al. in view of U.S. Patent Number 6,453,327 to Nielsen.

28. As to claims 28 and 29, Kirsch teaches the method and systems of claims 1 and 16 however Kirsch does not explicitly teach continuously updating an access list.

Nielsen teaches a computer implemented method for continuously updating the access control list to add and remove entries or to change access levels as users transition in and out of a social network or as communications between the users changes (col. 9, line 39-col. 10, line 13).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kirsch regarding managing the access of users to a system with the teachings of Nielsen regarding continuously updating an access list because continuously updating allows a computer system to get rid of old data that may no longer be relevant (Nielsen, col. 9, lines 39-46).

Response to Arguments

29. Applicant's arguments filed 9/19/2005 have been fully considered but they are not persuasive. The applicant argues the following points: a) Kirsch teaches a challenge list, an accept list, and a reject list not a control access list; and b) Kirsch is silent with regards to an access control list, an access level, a shared resource, and a social network.

30. As to point a), the accept and reject lists are considered control access lists.

31. As to point b), as pointed out with respect to point (a), Kirsch teaches control access lists. Accepting or rejecting is considered an access level, the entire email system is considered a shared resource, and a network using email communications is considered a social network.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Number 6,829,643 teaches a system for monitoring and adjusting access to bandwidth resources in a computer network. U.S. Patent Number 6,898,619 teaches a system and method for monitoring HTTP requests and adjusting a users ability to make such requests dynamically. Both references read on the applicant's invention as broadly claimed in the current claims.

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair
DBB

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER